

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, the specification is amended, the abstract is amended, claims 28, 31-34 and 36 are amended, claim 37 is added, and claims 29, 30, 34 and 35 are cancelled, leaving claims 16-28, 31-33, 36 and 37 pending with claims 16 and 28 being independent. No new matter has been added.

The claim amendments are supported at least by paragraphs [0052], [0054] and [0057] and Fig. 3. of this application as published in US Publication No. 2007/0095749.

Specification

The specification and abstract have been carefully reviewed and revised to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. No new matter has been added.

Claim Numbering

The Examiner as noted that, in the Preliminary Amendment filed September 27, 2006, the claim numbering sequence was incorrect, because claim “33” was skipped. Accordingly, the Examiner has renumbered claims 34-37 as claims 33-36, respectively.

The above listing of the claims reflects such renumbering.

Allowable Claims

Applicants appreciate the allowance of claims 16-27.

Rejections Under 35 U.S.C. §112, second paragraph

Claims 28-36 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it is unclear to the Examiner as to whether the claims are directed only to a “refuse/oil recovery bag” or to a combination of such “refuse/oil recovery bag with a grease trap” (or with an “engaging means provided with said grease trap.”)

Claims 28, 31-33 and 36 have been amended to clarify that the invention is directed to a combination of a refuse/oil recovery bag and a grease trap.

Rejections Under 35 U.S.C. §102(b)

Claims 28, 31, 32 and 35 have been rejected under 35 U.S.C. 102(b) as being anticipated by Turner (U.S. 2002/0185422).

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, amended independent claim 28 recites a refuse/oil recovery system comprising a bag for the recovery of refuse and oil contained in drainage introduced to the grease trap, the refuse/oil recovery bag comprising a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space is disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, and wherein a grasping hole is disposed in a base portion of the bag.

Applicants submit that the cited prior art fails to disclose or render obvious such a system. In particular, Turner discloses a disposable netting assembly for capturing trash or floatable debris, including a knitted mesh net having a mouth at one end surrounded by a rim, a frame, the net being secured around its mouth to the frame, and a device that enhances the strength of the trap. However, Turner clearly fails to disclose a first space that is disposed between a first outer layer and an inner layer of a bag and a second space that is disposed between a second outer layer and the inner layer of the bag. Thus, the Turner netting does not disclose the structure recited in claim 28 of the present invention, i.e., a structure that would enable oil and/or trash to be held in the spaces between an inner bag layer and respective outer bag layers.

Moreover, there is no reasoning in the prior art to modify Turner such that Turner would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Claims 28, 31 and 32 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kinne (U.S. 3,282,430).

Applicants submit that independent claim 28 is allowable over Kinne for similar reasons to those set forth above. In particular, Kinne discloses an irrigation system; however, Kinne fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner

layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28.

Moreover, there is no reasoning in the prior art to modify Kinne such that Kinne would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Claims 28, 31 and 32 have been rejected under 35 U.S.C. 102(b) as being anticipated by JP 8-41970.

Applicants submit that independent claim 28 is allowable over JP 8-41970 for similar reasons to those set forth above. In particular, JP 8-41970 discloses a net 6 that has one layer (*see* Figs. 10, 12 and 13). Thus, it is clear that JP 8-41970 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28. Furthermore, JP 8-41970 fails to disclose the rigid base portion and grasping hole disposed in the base portion, as required by claim 28.

Moreover, there is no reasoning in the prior art to modify JP 8-41970 such that JP 8-41970 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Claims 28, 29, 31 and 32 have been rejected under 35 U.S.C. 102(b) as being anticipated by JP 2003-001282.

Applicants submit that independent claim 28 is allowable over JP 2003-001282 for similar reasons to those set forth above. In particular, JP 2003-001282 discloses a net 8 that has one layer (*see* Figs. 1, 2, 3, and 6). Thus, it is clear that JP 2003-001282 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28. Additionally, the Examiner suggests that JP 2003-001282 discloses a

rigid base with a handle for grasping. However, JP 2003-001282 fails to disclose that the base portion has rigidity so as to form a plate and a grasping hole disposed in the base portion, as required by independent claim 28.

Moreover, there is no reasoning in the prior art to modify JP 2003-001282 such that JP 2003-001282 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Rejections Under 35 U.S.C. §102(e)

Claims 28 and 31 have been rejected under 35 U.S.C. 102(e) as being anticipated by Hannah (U.S. 6,875,345).

Applicants submit that independent claim 28 and dependent claim 31 are allowable over Hannah for similar reasons to those set forth above. In particular, Hannah discloses a basket 10 which is held in place in a CSO floatables control system diverter frame, has a rear lifting lug 12, and a front lifting lug 14 to which cables 16, 18 can be attached, and has a handle slide gate 20 and guide rails 22 for guiding and holding the netting frame 28 with attached an netting sack 26 and a frame lifting device 24 (*see* Figs. 1 and 2). However, as is clear, Hannah fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28.

Moreover, there is no reasoning in the prior art to modify JP 2003-001282 such that JP 2003-001282 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Rejections Under 35 U.S.C. §103(a)

Claim 33 has been rejected under 35 U.S.C. 103(a) “as being unpatentable over references applied to claim 28.”

Claim 33 is allowable for the reasons set forth above, since it is dependent from independent claim 28.

Claims 33 and 34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Turner.

Claim 33 is allowable for the reasons set forth above, since it is dependent from independent claim 28. Claim 34 has been cancelled.

Claims 30 and 33-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 28 and 29, above, and further in view of JP 9-165103.

Claims 30, 34 and 35 have been cancelled.

Moreover, the combination of the references applied to claims 28 and 29, above, and JP 9-165103 fails to disclose or render independent claim 28 and dependent claim 33 obvious. In particular, JP 9-165103 is cited as disclosing the size of the recited water passing holes. However, Applicants submit that JP 9-165103 discloses only a double layer bag, one layer being outer bag 2 of 1~5 mm size mesh and the other layer being inner bag 3 of 5~20 mm size mesh. The inner bag 3 catches the large trash and the outer bag 2 catches the small trash. However, JP 9-165103 fails to overcome the deficiencies of the references discussed above, since JP 9-165103 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28.

Moreover, there is no reasoning in the prior art to modify JP 9-165103 or the references discussed above such that the combination of the references discussed above and JP 9-165103 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Claims 30, 34 and 35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 28, 29 and 33, and further in view of JP 8-224409.

Claims 30, 34 and 35 have been cancelled.

Moreover, the combination of the references applied to claims 28, 29 and 33, above, and JP 8-224409 fails to disclose or render independent claim 28 and dependent claim 33 obvious. In particular, JP 8-224409 fails to overcome the deficiencies of the references discussed above, since JP 8-224409 discloses a bag having one layer. The upper side of the bag has a rough sized mesh and the lower side of the bag has a small sized mesh. However, JP 8-224409 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28.

Moreover, there is no reasoning in the prior art to modify JP 8-224409 or the references discussed above such that the combination of the references discussed above and JP 8-224409 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Claims 30 and 34-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 28, 29 and 33, and further in view of JP 11-147008 or JP 11-158987.

Claims 30, 34 and 35 have been cancelled.

Moreover, the combination of the references applied to claims 28, 29 and 33, above, and JP 11-147008 or JP 11-158987 fails to disclose or render independent claim 28 and dependent claims 33 and 36 obvious.

In particular, JP 11-147008 fails to overcome the deficiencies of the references discussed above, since JP 11-147008 discloses a contaminant collection container 11 having three bags (e.g., bags 12, 13, and 14) for catching water-quality contaminant. Bags 12, 13 and 14 have their apertures collectively fastened together to form a single aperture 15. Additionally, the inner bag has a relatively small sized mesh and the outer bag has a relatively large sized mesh. However, the space between the bags is sized and configured to breed microbes. *See* English abstract of JP 11-147008.

Therefore, Applicants submit that JP 11-147008 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space

being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28. In other words, the structure of the device disclosed in JP 11-147008 would not be capable of holding oil and/or trash in the spaces between an inner bag layer and respective outer bag layers.

Additionally, JP 11-158987 fails to overcome the deficiencies of the references discussed above, since JP 11-158987 discloses a side ditch block 3 in a downstream side and a side ditch 3 in an upstream side, the side ditch blocks are disposed in the right and left sides of a pit 1 housing an accumulation bag body 2 of sludge, garbage and the like. The bag body may include two bags 4 and 5. The two bags 4 and 5 are positioned in the side ditch block, and the upper side of bags 4 and 5 is opened.

Therefore, Applicants submit that JP 11-158987 fails to disclose a bag that has a plurality of layers that includes a first outer layer, a second outer layer and an inner layer, and a first space being disposed between the first outer layer and the inner layer and a second space is disposed between the second outer layer and the inner layer, as recited in independent claim 28.

Moreover, there is no reasoning in the prior art to modify JP 11-147008 or JP 11-158987 or the references discussed above such that the combination of the references discussed above and JP 11-147008 or JP 11-158987 would have rendered independent claim 28 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 28 and its dependent claims are allowable over the cited prior art.

Conclusion

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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